REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested. To this end, petition is hereby made for a *(2) two-month extension of time* to respond to the outstanding Office Action of September 1, 2010. Although the fee for the extension of time is being submitted with this Amendment, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Claims 1 – 25 are pending in the application. Upon entry of this Amendment, independent claims 1 and 13 will be amended to clarify the claimed invention, and claims 2 and 14 will be cancelled.

In the outstanding Office Action, the Examiner again rejected claims 1 – 25 under 35 U.S.C. § 102(b) as being anticipated by Thorvaldsson (U.S. Patent No. 6,546,304). The Examiner's rejection is respectfully traversed.

For a claim to be anticipated by a reference, every element of the claim must be disclosed in the reference.

Here, independent claims 1 and 13 of the present application have been amended to recite (i) that the food item conveyed to a process means is separated into sub-items by the process means, (ii) that the sub-items are selected for a batch, and (iii) that the positions of the item and the sub-items are traced by a computer system.

Because Thorvaldsson does not teach these processing features, amended independent claims 1 and 13 are not anticipated by Thorvaldsson. Because independent claims 1 and 13 are

not anticipated by Thorvaldsson, dependent claims 3 – 12 and 15 – 25, which depend from

independent claims 1 or 13, are also not anticipated by Thorvaldsson.

Thorvaldsson discloses an information handling system for meat being conveyed through

a number of processing stations, in which the information is used to trace the processing history

of a piece of meat, as well as the origination of the piece of meat. Thorvaldsson's information

handling system does not deal with items being batched and does not follow or store information

regarding items which are batched, but rather collects information regarding the processing and

the handling of the meat items as follows:

> The system is adapted to handle information such as:
> ID-tag (identification numbers pointing to origination of the meat),
> Weight and type of cut (sirloin etc.),
> Weight and type of animal (beef, pork etc),
> Slicer ID (worker no.),
> De-boner ID (worker no.),
> Date and time of processing (date and time the meat was processed),
> Serial no (consecutive numbering of meat passing through), and
> Time used to process a specific cut (number of minutes)

Thorvaldsson, col.5, lines 43-55, which was cited by the Examiner in his rejection of the subject

matter of independent claims 1 and 13.

How Thorvaldsson follows items through processing lines in batches (but not by items

and sub-items) is explained as follows:

> A conveyor system moves the meat between each of the areas or between
> processing stations in each of the areas. Presently, the conveyors of meat
> processing facilities are typically adapted to convey the meat in batches such as in
> bins or on hooks. In order to enable that the origination of a piece of meat can be
> traced, e.g., in order to find out from which animal or from which farm the meat
> originated, meat from an animal or at least from a quarter of the animal is stored
> and transported in one batch.

Thorvaldsson, col.5, lines 18-26, which was also cited by the Examiner in his rejection of the

subject matter of independent claims 1 and 13.

The combined information handling and food processing system and method of operating such system claimed in the present application, on the other hand, allow the tracing of the positions of incoming items and sub-items of the item after processing. The claimed system and method trace each item and sub-item through the whole process, notwithstanding that the items may originate from different animals and/or from different in-feed stations. The claimed system and method then assigns data representing origination of the item to batches of sub-items, allowing a trace of the origination of items in a batch of items even though the sub-items are mixed from items of different originations. Then, a second data set is formed, which comprises data from the tracing, and an identifier identifying the batches may be formed.

In accordance with the foregoing, amended independent claims 1 and 13 of the present application now recite (i) that a food item conveyed to a process means is separated into sub-items by the process means, (ii) that the sub-items are selected for a batch, and (iii) that the positions of the item and the sub-items are traced by a computer system. Thorvaldsson does not teach these steps. Thorvaldsson merely discloses assigning data from the process (history) to single meat items, but not full tracing of all items and identification of items and batches.

Amended independent claims 1 and 13 of the present application also now recite defining the data set of a second type which comprises data from the first type and the identifier which identifies at least one batch. This is also not disclosed by Thorvaldsson.

In view of the foregoing, it is believed that all of the remaining claims pending in the application, *i.e.*, claims 1, 3 – 13 and 15 – 25, are NOT anticipated by Thorvaldsson, and, as such, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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